

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

TRACY DIEHM,)	
)	
Plaintiff,)	8:04CV130
)	
v.)	
)	
CITY OF OMAHA,)	ORDER
)	
Defendant.)	
_____)	

This matter is before the court on plaintiff Tracy Diehm's motion in limine, Filing No. 84. The court having considered the motion, supporting documents, the brief in opposition and the relevant materials, now finds that the motion should be granted, in part, and denied, in part.

In her motion, the plaintiff seeks to prohibit defendant City of Omaha:

1. From discussing the plaintiff's husband's former employment with the City of Omaha as a police officer and his current disability;
2. From discussing plaintiff's misstatement in her initial medical application concerning which shoulder she dislocated;
3. From playing the boxing video when plaintiff injured her shoulder; and
4. From discussing plaintiff's rib fracture sustained during the fitness and agility portion of the evaluation process.

With respect to the discussion of the plaintiff's husband's former employment with the City of Omaha as a police officer and his current disability, the court finds this information to be irrelevant. Therefore, that part of the motion is GRANTED.

With respect to a discussion concerning plaintiff's misstatement in her initial medical application concerning which shoulder she dislocated, the court finds that this information is not material. Therefore, that part of the motion is GRANTED.

With respect to playing the boxing video when plaintiff injured her shoulder, the court finds that this information may be relevant. Therefore, that part of the motion is DENIED.

With respect to a discussion of the plaintiff's rib fracture sustained during the fitness and agility portion of the evaluation process, the court finds that this information may be relevant. Therefore, that part of the motion is DENIED.

Accordingly,

IT IS ORDERED:

That plaintiff's motion in limine, Filing No. 84, is granted, in part, and denied, in part, as set forth herein.

DATED this 16th day of December, 2005.

BY THE COURT:

s/Joseph F. Bataillon
United States District Judge